

Application No.: 09/899,348

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REMARKS

Claims 1-44 stand rejected and claims 6, 12, 16, 20, 31, 38, and 44 are objected to in the present Office Action. In this response, claims 6, 12, 14-17, 19-20, 28-34, and 38-44 are canceled without prejudice, and claims 1, 3, 7-11, 13, 18, 21-22, and 35 are amended. Accordingly, claims 1-5, 7-11, 13, 18, 21-27, and 35-37 are pending in the present application. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and reasons.

Claim objection

In Section 1 of the Office Action, claims 6, 12, 16, 20, 31, 38, and 44 are objected to because of informalities. In particular, the Examiner points to the acronym "PPT" not being defined in each of these claims.

Claims 6, 12, 16, 20, 31, 38, and 44 are canceled without prejudice. The remaining claims do not recite "PPT."

35 U.S.C. § 102 rejection

In Sections 3-4 of the Office Action, claims 1-5, 7-11, 13-15, 17-19, 21-30, 32-37, and 39-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,460,036 (Herz).

Each of amended independent claims 1, 8, 9, 18, 21, and 35 recites, among other things, that a psychological classification significance patterns for a user is created using a psychological test, wherein at least some of the user's answers to test questions in the psychological test are used to derive the psychological classification significance pattern for the user in a manner not based on keywords or demographic attributes.

Applicant's present application discloses "creation of user significance patterns by having users participate in an online psychological test and based on such psychological test taken,

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create and maintain classifications and archetypes that would be employed in matching target information to a particular user." The creation and maintenance of this significance pattern is "independent of the target information [(e.g., via a search engine or targeted marketing)] and [is] abstracted from independent information obtained" from the psychological test answers.

Paragraphs 0009 and 0011. This significance pattern is created without data about a user's past activities (such as on-line purchasing, searching, websites visited, etc.), user's demographics data (age, gender, education level, income, etc.), or knowledge of keyword terms from a user's searches or accessed text. See Paragraphs 0008-0013. The user's significance pattern does not relate to "keyword-linked" or demographic attributes. Paragraphs 0009 and 0013.

Instead, the user's significance pattern is created by "abstract[ing]" the user's cognitive style from a set of the user's responses to a psychological test. The test measures "various aspects of a user, such as personality, psychology, disposition, behavior and the like." Paragraph 0032. The user's responses are processed in various ways from scaled answers, to scaled scores, to archetype categories. See Paragraphs 0095-00163. The resulting significance pattern is a "relatively stable, 'signature'" of the user's interest in products, services, and information (both foreseen and unforeseen) over time. Paragraphs 0013-0014. Unlikely user profiles created based on user's past activities, keyword term usage, or demographics data, the Applicant's significance pattern need not be continually updated.

In contrast, Herz discloses a profile of a person (e.g., a "potential customer") based on textual, numeric, and associative attributes. The textual attributes include the person's zip code, the text of the person's written response to a Rorschach inkblot test, and the text of the multiple choice responses to self-image questions. The numeric attributes include a distance between the person's residence to an advertiser's nearest store location, person's annual income, and number of children. The associative attributes include a list of previous items purchased by the person, list of filenames stored in the person's client computer, list of movies rented by the person, list of investments in the person's investment portfolio, and list of documents retrieved by the person. See col. 11, lines 22-47.

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Thus, Herz's person profile is text (or keyword) and demographics based. The responses to the inkblot test and self-image questions are text that is saved as keywords to use in a text match with a target. The responses are not analyzed, processed, or otherwise abstracted so that the actual text or words are no longer needed. Herz does not disclose use of psychological data as associative attributes.

Additionally, each of amended independent claims 1, 8, and 35 recites, among other things, that the use of the psychological classification significance pattern is under the user's control to more particularly point out the subject matter sought.

Accordingly, Applicant respectfully submits that each of amended independent claims 1, 8, 9, 18, 21, and 35 is allowable over Herz. Claims 2-5, 7, 10-11, 13, 22-27, and 36-37, which depend from one of claims 1, 9, 21, or 35, are also believed to be allowable over Herz for at least the same reasons as for claims 1, 9, 21, and 35.

Claims 3 and 22 are amended to be consistent with its respective independent claim. Claims 7 and 13 are amended for grammatical clarity. Claims 10, 11, and 13 are amended to now depend from claim 8.

35 U.S.C. § 103 rejection

In Sections 5-6 of the Office Action, claims 6, 12, 16, 20, 31, 38, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz.

Claims 6, 12, 16, 20, 31, 38, and 44 are canceled without prejudice.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 479942000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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